

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PARKINSON'S DISEASE SUSCEPTIBILITY HAPTOTYPE AS A TOOL FOR GENETIC SCREENING

the specification of which:
(check one)

_____ is attached hereto.

X was filed as §371 national stage of PCT/IL2003/000764, filed
September 24, 2003 as

Application Serial No. 10/529,511

and was amended on March 25, 2005
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International Application which designated at least one country other than the United States, listed below. I have also identified below any foreign application for patent or inventor's certificate, or PCT International Application having a filing date before that of the earliest application from which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

| <u>Number</u> | <u>Country</u> | <u>Filing Date</u> | <u>Yes</u> | <u>No</u> |
|-------------------|----------------|--------------------|------------|-----------|
| PCT/IL2003/000764 | PCT | September 24, 2003 | <u>X</u> | _____ |
| 151955 | Israel | September 26, 2002 | <u>X</u> | _____ ✓ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |

Revised 09/02/04

BEST AVAILABLE COPY

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

| <u>Provisional Application No.</u> | <u>Filing Date</u> | <u>Status</u> |
|------------------------------------|--------------------|---------------|
| <u>N/A</u> | | |
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I hereby claim the benefits under Title 35, United States Code, Section 120 of any United States Application(s), or Section 365(c) of any PCT International Application(s) designating the United States listed below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date(s) of such prior Application(s) and the national or PCT international filing date of this application:

| <u>Application Serial No.</u> | <u>Filing Date</u> | <u>Status</u> |
|-------------------------------|---------------------------|-------------------------------------|
| <u>PCT/IL2003/000764</u> | <u>September 24, 2003</u> | <u>Pending as of March 25, 2005</u> |
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| | | |

And I hereby appoint

⑨ John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Paul Teng (Reg. No. 40,837); Alan J. Morrison (Reg. No. 37,399); Gary J. Gershik (Reg. No. 39,992);

and each of them, all c/o Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

Revised 09/02/04

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Please address all communications and direct all telephone calls regarding this application to

John P. White, Esq. Reg No. 28-678
Cooper & Dunham LLP (Customer Number 23432)
1785 Avenue of the Americas
New York, New York 10036
Tel (212) 278-0400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon

1-00
Full name of sole or first joint inventor Hennona Soreq
Inventor's signature [Signature] Date of signature 20.4.05
Citizenship Israel ✓
Residence same as postal address
Post Office Address 14 HaMaavah Street, 95930 Jerusalem, Israel ILX

2-00
Full name of additional joint inventor (if any) Liat Ben-Moyal
Inventor's signature [Signature] Date of signature 20.4.05
Citizenship Israel ✓
Residence same as postal address
Post Office Address 11 Barkan Street, 84965 Omer, Israel ILX

3-00
Full name of additional joint inventor (if any) Boris Bryk
Inventor's signature [Signature] Date of signature 20.4.05
Citizenship Israel ✓
Residence same as postal address
Post Office Address 33/209 Rabinovitz Street, 96549 Jerusalem, Israel ILX

Revised 09/02/04

[Signature]

400

Full name of
additional joint inventor (if any) Alon Friedman

Inventor's signature Alon Friedman Date of signature 20/04/2005

Citizenship Israel ✓

Residence same as postal address

Post Office Address 5 Binyamin Street, 70700 Gedera, Israel ILX

Revised 09/02/04

BEST AVAILABLE COPY

PCT/PTO 24 OCT 2005

Applicant or Patentee: Hermosa Soreq, et al. Attorney's
Serial or Patent No.: 10/529,571 Docket No.: 74136/JPW/JW
Filed or Issued: as §371 national stage of PCT/IL2003/000764, filed September 24, 2003
Title of Invention or Patent: PARKINSON'S DISEASE SUSCEPTIBILITY HAPLOTYPE
AS A TOOL FOR GENETIC SCREENING

VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9 (f)
AND §1.27(c) - SMALL BUSINESS CONCERN

I hereby declare that I am:

- ☐ the owner of the small business concern identified below.
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: Misum Research Development Company of the Hebrew University
of Jerusalem
Address of Concern: Hi Tech Park, The Hebrew University, Edmond J. Safra Campus,
Givat Ram, P.O. Box 39135, Jerusalem 91390, Israel

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121.3-18, reproduced in 37 C.F.R. §1.9(d), for purposes of paying reduced fees under 35 U.S.C. §41(a) and §41(b), in that the number of employees of the concern, including those of its affiliates, does not exceed five hundred (500) persons. For purposes of this verified statement, the number of employees of the business concern is the average number, over the previous fiscal year, of the persons employed by the business concern on a full-time, part-time, or temporary basis during each pay period of the fiscal year, and concerns are affiliates of each other when, either directly or indirectly, one concern controls or has power to control the other, or a third party or parties controls or has power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled

PARKINSON'S DISEASE SUSCEPTIBILITY HAPLOTYPE AS A TOOL FOR GENETIC SCREENING
described in:

☐ the specification filed herewith as §371 national stage of
☒ application serial no. 10/529,571 filed PCT/IL2003/000764, filed
☐ patent no. _____ issued September 24, 2003

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. §1.9(c)*, any concern which could not qualify as a small business concern under 37 C.F.R. §1.9(d)* or as a nonprofit organization under 37 C.F.R. §1.9(e)*.

Name: Ben-Gurion University of the Negev Research & Development Authority
Address: P.O. Box 653, Beersheva 84105, Israel

☐ Individual ☐ Small Business Concern ☒ Nonprofit Organization

Name: Mor Research Applications Ltd.
Address: 20 Hamegshinim Street, Kiryat Matalon, P.O. Box 7590, Petach Tikva 49170,
Israel
☐ Individual ☒ Small Business Concern ☐ Nonprofit Organization

*NOTE: Separate verified statements are required for each named person, concern, or organization having rights to the invention averring to their status as small entities. 37 C.F.R. §1.27.

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37 C.F.R. §§1.9(c), 1.9(d), 1.9(e)

(c) An independent inventor as used in this chapter means any inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not likewise be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section.

(d) A small business concern as used in this chapter means any business concern as defined by the Small Business Administration in 13 C.F.R. §121.3-18, published on September 30, 1982 at 47 FR 43273. For the convenience of the users of these regulations, that definition states:

§121.3-18 Definition of small business for paying reduced patent fees under Title 35, U.S. Code.

(a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41(a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those of its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.

(b) If the Patent and Trademark Office determines that a concern is not eligible as a small business concern within this section, the concern shall have a right to appeal that determination to the Small Business Administration. The Patent and Trademark Office shall transmit its written decision and the pertinent size determination file to the SBA in the event of such adverse determination and size appeal. Such appeals by concerns should be submitted to the SBA at 1441 L Street, NW., Washington, D.C. 20416 (Attention: SBA Office of General Counsel). The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error; and the facts and arguments supporting the concern's claimed status as a small business concern under this section.

(e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i)); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) of this section if it were located in this country.

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I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. §1.28(b)*.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

| | | |
|-------------------------|--------------------------|----------------------|
| | Rehce Ben-Israel | Abraham Barak |
| Name of Person Signing: | VP-Intellectual Property | President & C.E.O. |
| Title In Organization: | _____ | _____ |
| Address: | _____ | _____ |
| Signature: | <u>Rehce Ben-Israel</u> | <u>Abraham Barak</u> |
| Date Of Signature: | <u>12 July 2005</u> | _____ |

YISSUM יישום
Hi-Tech Park, Edmond J. Safra Campus
Givat-Ram, Jerusalem
P.O.Box 39135, Jerusalem 91390, Israel

37 C.F.R. §1.28(b)

(b) Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due. Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to §1.9 of this part. The notification of change in status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to §1.34(a) of this part.

BEST AVAILABLE COPY

Rec'd PCT/IL 24 OCT 2003

Applicant or Patentee: Hermona Soreq, et al. Attorney's
Serial or Patent No.: 10/529,571 Docket No.: 74136/JPW/JW
Filed or Issued as \$371 national stage of PCT/IL2003/000764, filed September 24, 2003
Title of Invention or Patent: PARKINSON'S DISEASE SUSCEPTIBILITY HAPLOTYPE
AS A TOOL FOR GENETIC SCREENING

VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9 (f)
AND §1.27(c) - SMALL BUSINESS CONCERN

I hereby declare that I am:

 the owner of the small business concern identified below.
 X an official of the small business concern empowered to act on behalf of the
concern identified below:

Name of Concern: Mor Research Applications Ltd.

Address of Concern: 20 Hamagshimim Street, Kiryat Matalon, P.O. Box 7590,
Petach Tikva 49170, Israel

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121.3-18, reproduced in 37 C.F.R. §1.9(d), for purposes of paying reduced fees under 35 U.S.C. §41(a) and §41(b), in that the number of employees of the concern, including those of its affiliates, does not exceed five hundred (500) persons. For purposes of this verified statement, the number of employees of the business concern is the average number, over the previous fiscal year, of the persons employed by the business concern on a full-time, part-time, or temporary basis during each pay period of the fiscal year, and concerns are affiliates of each other when, either directly or indirectly, one concern controls or has power to control the other, or a third party or parties controls or has power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled

PARKINSON'S DISEASE SUSCEPTIBILITY AS A TOOL FOR GENETIC SCREENING
described in:

 the specification filed herewith as \$371 national stage of
 X application serial no. 10/529,571 filed PCT/IL2003/000764, filed
 patent no. issued September 24, 2003

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. §1.9(c)*, any concern which could not qualify as a small business concern under 37 C.F.R. §1.9(d)* or as a nonprofit organization under 37 C.F.R. §1.9(e)*.

Name: Yissum Research Development Company of the Hebrew University of Jerusalem
Address: Hi Tech Park, The Hebrew University of Jerusalem, Edmond J. Safra Campus,
Givat Ram, P.O. Box 39135, Jerusalem 91390, Israel
Individual X Small Business Concern Nonprofit Organization

Name: Ben-Gurion University of the Negev, Research & Development Authority
Address: P.O. Box 653, Beersheva 84105, Israel

 Individual Small Business Concern X Nonprofit Organization

*NOTE: Separate verified statements are required for each named person, concern, or organization having rights to the invention averring to their status as small entities. 37 C.F.R. §1.27.

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37 C.F.R. §§1.9(d), 1.9(e)

(d) A small business concern as used in this chapter means any business concern as defined by the Small Business Administration in 13 C.F.R. §121.3-18, published on September 30, 1982 at 47 FR 43273. For the convenience of the users of these regulations, that definition states:

§121.3-18 Definition of small business for paying reduced patent fees under Title 35, U.S. Code.

(a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41(a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those of its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.

(b) If the Patent and Trademark Office determines that a concern is not eligible as a small business concern within this section, the concern shall have a right to appeal that determination to the Small Business Administration. The Patent and Trademark Office shall transmit its written decision and the pertinent size determination file to the SBA in the event of such adverse determination and size appeal. Such appeals by concerns should be submitted to the SBA at 1441 L Street, NW., Washington, D.C. 20416 (Attention: SBA Office of General Counsel). The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error; and the facts and arguments supporting the concern's claimed status as a small business concern under this section.

(c) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i)); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (c)(2) or (3) of this section if it were located in this country.

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I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. §1.28(b)*.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Pini Ben-Elazer
Title In Organization: CEO
Address: 20 Hameishim St, Kiryat Matalah, P.O. Box 7590,
Rebach, Tikva 49170, ISRAEL
Signature: [Signature]
Date Of Signature: July 11 2005



37 C.F.R. §1.28(b)

(b) Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due. Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to §1.9 of this part. The notification of change in status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to §1.34(a) of this part.

BEST AVAILABLE COPY

10/529511
Applicant or Patentee: Hermona Soreq, et al. Attorney's
Serial or Patent No.: 10/529,571 Docket No. 104136/JW
Filed or Issued as \$371 national stage of PCT/IL2003/000764, filed September 24, 2003
Title of Invention or Patent: PARKINSON'S DISEASE SUSCEPTIBILITY HAPLOTYPE
AS A TOOL FOR GENETIC SCREENING

VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f)
AND §1.27(d) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: Ben-Gurion University of the Negev, Research & Development Authority
Address of Organization: P.O. Box 653, Beersheva 84105, Israel

TYPE OF ORGANIZATION:

☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 U.S.C. §§501(a) and 501(c)(3)
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
NAME OF STATE: _____
CITATION OF STATUTE: _____
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 U.S.C. §§501(a) and 501(c)(3) IF LOCATED IN THE UNITED STATES OF AMERICA
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
NAME OF STATE: _____
CITATION OF STATUTE: _____

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. §1.9(e)* for purposes of paying reduced fees under 35 U.S.C. §41(a) and 41(b), with regard to the invention entitled PARKINSON'S DISEASE SUSCEPTIBILITY HAPLOTYPE AS A TOOL FOR GENETIC SCREENING by inventor(s) Hermona Soreq, et al.

described in:

☐ the specification filed herewith
☒ application serial no. 10/529,571 filed as \$371 national stage of PCT/IL2003/000764, filed September 24, 2003
☐ patent no. _____ issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive each individual, concern, or organization known to have rights to the invention is listed below^a and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d)* or a nonprofit organization under 37 C.F.R. 1.9(e)*

Name: Mor Research Applications Ltd.
Address: 20 Hamagshimim Street, Kiryat Matalon, P.O. Box 7590, Petach Tikva 49170, Israel
☐ Individual ☒ Small Business Concern ☐ Nonprofit Organization

Name: Yissum Research Development Company of the Hebrew University of Jerusalem
Address: Hi Tech Park, The Hebrew University of Jerusalem, Edmond J. Safra Campus, Givat Ram, P.O. Box 39135, Jerusalem 91390, Israel
☐ Individual ☒ Small Business Concern ☐ Nonprofit Organization

^aNOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small business entities. 37 C.F.R. §1.27.

BEST AVAILABLE COPY

37 C.F.R. §§1.9(d), 1.9(e)

(d) A small business concern as used in this chapter means any business concern as defined by the Small Business Administration in 13 C.F.R. §121.3-18, published on September 30, 1982 at 47 FR 43273. For the convenience of the users of these regulations, that definition states:

§121.3-18 Definition of small business for paying reduced patent fees under Title 35, U.S. Code.

(a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41(a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those of its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.

(b) If the Patent and Trademark Office determines that a concern is not eligible as a small business concern within this section, the concern shall have a right to appeal that determination to the Small Business Administration. The Patent and Trademark Office shall transmit its written decision and the pertinent size determination file to the SBA in the event of such adverse determination and size appeal. Such appeals by concerns should be submitted to the SBA at 1441 L Street, NW., Washington, D.C. 20416 (Attention: SBA Office of General Counsel). The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error; and the facts and arguments supporting the concern's claimed status as a small business concern under this section.

(e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i)); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) of this section if it were located in this country.

BEST AVAILABLE COPY

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Moti Henskawitz
Title In Organization: VP for R&D
Address: _____
Signature: M. Henskawitz
Date Of Signature: 24 July 2005

37 C.F.R. §1.28(b)

(b) Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due. Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to §1.9 of this part. The notification of change in status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to §1.34(a) of this part.

BEST AVAILABLE COPY